

REMARKS/ARGUMENTS

In light of the following discussion, favorable reconsideration of this application is respectfully requested.

Claims 1-9 are pending in this application. Claim 1 has been amended and new Claims 4-9 have been added by this Amendment. New Claims 4-9 are supported by Claims 1-3 and are believed allowable in light of the following remarks. No new matter has been added.

In the outstanding Office Action, Claims 1-3 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Publication No. 2001/00590909 to “Taketsugu.” The rejection is respectfully traversed.

Amended Claim 1 recites:

A controller equipment comprising:
a measuring unit configured to measure channel qualities of a control channel and a user channel separated from a received signal;
an updating unit configured to update target circuit qualities for the control channel and the user channel, based on results of measurement of the channel qualities by the measuring unit;
a communicating unit configured to communicate, in a predetermined period, the updated target circuit qualities for the control channel and the user channel; and
a target circuit quality determining unit configured to determine a target circuit quality for the received signal, based on the target circuit qualities for the control channel and the user channel communicated from the communicating unit, so that all of the control channel and the user channel satisfy a required channel quality; wherein,
when the channel quality of the control channel satisfies a predetermined condition, the communicating unit is configured to communicate at least the target circuit quality for the control channel to the target circuit quality determining unit; and
the target circuit quality determining unit is configured to determine the target circuit quality for the received signal, based on the communicated target circuit quality for the control channel.

The Office Action asserts Taketsugu, in his abstract, at Page 1, paragraph 17-Page 2, paragraph 23, and Page 2, paragraph 34-Page 3, paragraph 41 teaches “a target circuit quality determining unit configured to determine a target circuit quality for the received signal, based on the target circuit qualities for the control channel and the user channel.” However,

Taketsugu makes no mention of “a control channel and a user channel separated from a received signal.” Nor does Taketsugu mention “a target circuit quality determining unit configured to determine a target circuitry . . . based on the target circuit qualities for the control channel and the user channel.”

In his abstract, Taketsugu describes “a transmission speed in a wired line . . .” being “controlled as to be equal to or less than the permissible transmission capacity.” In paragraph 24, Taketsugu’s “optimal permissible transmission capacity” is “determined on the basis of an [sic] practical transmission speed in a wireless line.” The practical transmission speed is measured as the (amount of data/ predetermined time), according to paragraph 58 of Taketsugu. At Page 3, paragraph 51, it states that “[i]n a data communication, data is transmitted and received in accordance with a packet system.” It is asserted that this “determination” of “a practical transmission speed” is not “based on the target circuit qualities for **the control channel and the user channel.**”

Paragraph 58 also states that a “target transmission capacity in a wired line is determined on the basis of a practical transmission speed in a wireless line; and a transmission capacity demand signal.” However, the target transmission capacity and the transmission capacity demand signal are not equivalent to “a control channel and a user channel separated from a received signal,” for at least the reason that the “transmission capacity demand signal” is in and of itself a signal. This “determination” of a target transmission capacity is also not “based on the target circuit qualities for **the control channel and the user channel.**”

Based on these definitions, it is asserted that neither the determination of a “target transmission capacity” nor of a “practical transmission speed” is “based on the target circuit qualities for the control channel and the user channel.” Consequently, it is therefore asserted that Taketsugu does not describe “a target circuit quality determining unit configured to

determine a target circuit quality for the received signal, **based on the target circuit qualities for the control channel and the user channel.”**

Further, the measurement of a practical transmission speed in Taketsugu at best describes that a channel quality of a control channel and a channel quality of a user channel may be measured as a whole, multiplexed on one signal. Thus, a channel quality of a control channel is not measured individually. Accordingly, as channel quality of a control channel is not measured individually, Taketsugu cannot teach that “the target circuit quality determining unit is configured to determine the target circuit quality for the received signal, based on the communicated target circuit quality for the control channel.”

Finally, in the invention recited in Claim 1, a quality of a signal transmitted from a **mobile station** to a base station (i.e. target circuit quality of the received signal) is determined based on the quality of the signal transmitted from the mobile station to the base station (i.e. the channel quality of control channel and the channel quality of user channel, which are multiplexed on the received signal). In contrast, Taketsugu describes determining the quality of a signal transmitted between a base station and an **RNC** (i.e. transition capacity in a wired line) based on a quality of a signal transmitted from a mobile station to a base station (i.e. practical transmission speed in the wireless line). Thus, Taketsugu does not teach a “target circuit quality determining unit” as defined in Claim 1.

As a result, it is respectfully submitted that Taketsugu does not teach at least the aforementioned aspects of Claim 1. Consequently, Claim 1 (and Claim 2 and Claim 3 dependent therefrom) is not anticipated by Taketsugu and is patentable thereover.

Arguably, new Claims 4-9 are allowable. New Claim 4 recites a method including “determining a target circuit quality for the received signal, based on the target circuit qualities for the control channel and the user channel,” which is asserted to not be described in Taketsugu. The apparatus of new Claim 7 includes a “means for determining a

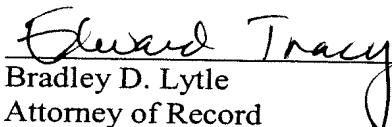
Application No. 10/560,7.
Reply to Office Action of May 9, 2007

target circuit quality for the received signal, based on the target circuit qualities for **the control channel and the user channel**" that is asserted to not be in Taketsugu. New Claims 5 and 6 depend from new Claim 4 and are believed allowable for at least the reasons new Claim 4 is allowable. New Claims 8 and 9 depend from new Claim 7 and are believed allowable for at least the reasons new Claim 7 is allowable.

Accordingly, the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Edward W. Tracy, Jr.
Registration No. 47,998

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

I:\ATTY\ET\282365US\282365US-AMD8.9.07.DOC